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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

NATHAN PRYCE,

Plaintiff,

vs.

TATA CONSULTANCY SERVICES/TATA
CONSULTANCY SERVICES LIMITED AND
JOHN/JANE DOES 1-5.

Defendants.

Civil Action No. 1:21-cv-00528-NLH-KMW

**DEFENDANT'S ANSWER AND
AFFIRMATIVE DEFENSES**

Defendant Tata Consultancy Services Limited ("Defendant"), by and through its undersigned attorneys, Sheppard, Mullin, Richter & Hampton, LLP, hereby answers the Complaint, dated December 2, 2020 ("Complaint"), by plaintiff Nathan Pryce ("Plaintiff"), herein as follows:

PRELIMINARY STATEMENT

1. Defendant avers that the allegations set forth in the Preliminary Statement paragraph on page 1 of the Complaint state legal conclusions to which no response is required. Notwithstanding the foregoing, to the extent that the allegations set forth in the Preliminary Statement paragraph on page 1 of the Complaint contains factual allegations, Defendant denies each and every allegation.

IDENTIFICATION OF PARTIES

2. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth in paragraph 1 of the Complaint, except admits that Plaintiff was formerly employed by Defendant.

3. Defendant denies the allegations in paragraph 2 of the Complaint, except admits that Defendant maintains an office located at 379 Thornall Street, 4th Floor, Edison, New Jersey 08837, and that Plaintiff was formerly employed by Defendant.

4. Defendant avers that the allegations set forth in paragraph 3 of the Complaint state a legal conclusion to which no response is required. Notwithstanding the foregoing, to the extent that paragraph 3 of the Complaint contains factual allegations, Defendant denies each and every allegation.

JURISDICTION

5. Defendant avers that the allegations set forth in paragraph 4 of the Complaint state a legal conclusion to which no response is required.

GENERAL ALLEGATIONS

6. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth in paragraph 5 of the Complaint, except admits that Plaintiff commenced employment with Defendant in or around September 2013.

7. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth in paragraph 6 of the Complaint.

8. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth in paragraph 7 of the Complaint.

9. Defendant denies each and every allegation set forth in paragraph 8 of the Complaint.

10. Defendant denies each and every allegation set forth in paragraph 9 of the Complaint.

11. Defendant denies each and every allegation set forth in paragraph 10 of the Complaint.

12. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth in paragraph 11 of the Complaint.

13. Defendant denies each and every allegation set forth in paragraph 12 of the Complaint.

14. Defendant denies each and every allegation set forth in paragraph 13 of the Complaint.

15. Defendant denies each and every allegation set forth in paragraph 14 of the Complaint.

16. Defendant denies each and every allegation set forth in paragraph 15 of the Complaint.

17. Defendant denies each and every allegation set forth in paragraph 16 of the Complaint.

18. Defendant denies each and every allegation set forth in paragraph 17 of the Complaint.

19. Defendant denies each and every allegation set forth in paragraph 18 of the Complaint.

20. Defendant denies each and every allegation set forth in paragraph 19 of the Complaint.

21. Defendant denies each and every allegation set forth in paragraph 20 of the Complaint.

22. Defendant denies each and every allegation set forth in paragraph 21 of the Complaint.

23. Defendant denies each and every allegation set forth in paragraph 22 of the Complaint.

24. Defendant denies each and every allegation set forth in paragraph 23 of the Complaint.

25. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth in paragraph 24 of the Complaint.

26. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth in paragraph 25 of the Complaint.

27. Defendant denies each and every allegation set forth in paragraph 26 of the Complaint.

28. Defendant denies each and every allegation set forth in paragraph 27 of the Complaint.

29. Defendant denies each and every allegation set forth in paragraph 28 of the Complaint.

30. Defendant denies each and every allegation set forth in paragraph 29 of the Complaint.

31. Defendant denies each and every allegation set forth in paragraph 30 of the Complaint..

32. Defendant denies each and every allegation set forth in paragraph 31 of the Complaint.

33. Defendant denies each and every allegation set forth in paragraph 32 of the Complaint.

34. Defendant avers that the allegations set forth in paragraph 33 of the Complaint state a legal conclusion to which no response is required. Notwithstanding the foregoing, to the extent that paragraph 33 of the Complaint contains factual allegations, Defendant denies each and every allegation.

COUNT I

NJLAD – DISCRIMINATION ON THE BASIS OF RACE/ETHNICITY

35. Defendant incorporates the responses made to paragraphs 1 through 34 of the Complaint as if fully set forth herein.

36. Defendant avers that the allegations set forth in paragraph 35 of the Complaint state a legal conclusion to which no response is required. Notwithstanding the foregoing, to the extent that paragraph 35 of the Complaint contains factual allegations, Defendant denies each and every allegation.

37. Defendant denies each and every allegation set forth in paragraph 36 of the Complaint.

38. Defendant avers that the allegations set forth in paragraph 37 of the Complaint state a legal conclusion to which no response is required. Notwithstanding the foregoing, to the

extent that paragraph 37 of the Complaint contains factual allegations, Defendant denies each and every allegation.

39. Defendant avers that the allegations set forth in paragraph 38 of the Complaint state a legal conclusion to which no response is required. Notwithstanding the foregoing, to the extent that paragraph 38 of the Complaint contains factual allegations, Defendant denies each and every allegation.

40. Defendant avers that the allegations set forth in paragraph 39 of the Complaint state a legal conclusion to which no response is required. Notwithstanding the foregoing, to the extent that paragraph 39 of the Complaint contains factual allegations, Defendant denies each and every allegation.

41. Defendant avers that the allegations set forth in paragraph 40 of the Complaint state a legal conclusion to which no response is required. Notwithstanding the foregoing, to the extent that paragraph 40 of the Complaint contains factual allegations, Defendant denies each and every allegation.

42. Defendant avers that the allegations set forth in paragraph 41 of the Complaint state a legal conclusion to which no response is required. Notwithstanding the foregoing, to the extent that paragraph 41 of the Complaint contains factual allegations, Defendant denies each and every allegation.

43. Defendant denies each and every allegation in the WHEREFORE clause following paragraph 41 of the Complaint, and denies that Plaintiff is entitled to any relief.

COUNT II

NJLAD – DISABILITY BASED ON DISABILITY

44. Defendant incorporates the responses made to paragraphs 1 through 41 of the Complaint as if fully set forth herein.

45. Defendant avers that the allegations set forth in paragraph 43 of the Complaint state a legal conclusion to which no response is required. Notwithstanding the foregoing, to the extent that paragraph 43 of the Complaint contains factual allegations, Defendant denies each and every allegation.

46. Defendant denies each and every allegation set forth in paragraph 44 of the Complaint.

47. Defendant avers that the allegations set forth in paragraph 45 of the Complaint state a legal conclusion to which no response is required. Notwithstanding the foregoing, to the extent that paragraph 45 of the Complaint contains factual allegations, Defendant denies each and every allegation.

48. Defendant avers that the allegations set forth in paragraph 46 of the Complaint state a legal conclusion to which no response is required. Notwithstanding the foregoing, to the extent that paragraph 46 of the Complaint contains factual allegations, Defendant denies each and every allegation.

49. Defendant avers that the allegations set forth in paragraph 47 of the Complaint state a legal conclusion to which no response is required. Notwithstanding the foregoing, to the extent that paragraph 47 of the Complaint contains factual allegations, Defendant denies each and every allegation.

50. Defendant avers that the allegations set forth in paragraph 48 of the Complaint state a legal conclusion to which no response is required. Notwithstanding the foregoing, to the extent that paragraph 48 of the Complaint contains factual allegations, Defendant denies each and every allegation.

51. Defendant denies each and every allegation in the WHEREFORE clause following paragraph 48 of the Complaint, and denies that Plaintiff is entitled to any relief.

COUNT III

NJLAD – DISCRIMINATION BASED ON PERCEIVED DISABILITY

52. Defendant incorporates the responses made to paragraphs 1 through 48 of the Complaint as if fully set forth herein.

53. Defendant avers that the allegations set forth in paragraph 50 of the Complaint state a legal conclusion to which no response is required. Notwithstanding the foregoing, to the extent that paragraph 50 of the Complaint contains factual allegations, Defendant denies each and every allegation.

54. Defendant denies each and every allegation set forth in paragraph 51 of the Complaint.

55. Defendant avers that the allegations set forth in paragraph 52 of the Complaint state a legal conclusion to which no response is required. Notwithstanding the foregoing, to the extent that paragraph 52 of the Complaint contains factual allegations, Defendant denies each and every allegation.

56. Defendant avers that the allegations set forth in paragraph 53 of the Complaint state a legal conclusion to which no response is required. Notwithstanding the foregoing, to the

extent that paragraph 53 of the Complaint contains factual allegations, Defendant denies each and every allegation.

57. Defendant avers that the allegations set forth in paragraph 54 of the Complaint state a legal conclusion to which no response is required. Notwithstanding the foregoing, to the extent that paragraph 54 of the Complaint contains factual allegations, Defendant denies each and every allegation.

58. Defendant denies each and every allegation in the WHEREFORE clause following paragraph 54 of the Complaint, and denies that Plaintiff is entitled to any relief.

COUNT IV

NEW JERSEY LAW AGAINST DISCRIMINATION – RETALIATION

59. Defendant incorporates the responses made to paragraphs 1 through 54 of the Complaint as if fully set forth herein.

60. Defendant avers that the allegations set forth in paragraph 56 of the Complaint state a legal conclusion to which no response is required. Notwithstanding the foregoing, to the extent that paragraph 56 of the Complaint contains factual allegations, Defendant denies each and every allegation.

61. Defendant avers that the allegations set forth in paragraph 57 of the Complaint state a legal conclusion to which no response is required. Notwithstanding the foregoing, to the extent that paragraph 57 of the Complaint contains factual allegations, Defendant denies each and every allegation.

62. Defendant avers that the allegations set forth in paragraph 58 of the Complaint state a legal conclusion to which no response is required. Notwithstanding the foregoing, to the

extent that paragraph 58 of the Complaint contains factual allegations, Defendant denies each and every allegation.

63. Defendant avers that the allegations set forth in paragraph 59 of the Complaint state a legal conclusion to which no response is required. Notwithstanding the foregoing, to the extent that paragraph 59 of the Complaint contains factual allegations, Defendant denies each and every allegation.

64. Defendant avers that the allegations set forth in paragraph 60 of the Complaint state a legal conclusion to which no response is required. Notwithstanding the foregoing, to the extent that paragraph 60 of the Complaint contains factual allegations, Defendant denies each and every allegation.

65. Defendant denies each and every allegation in the WHEREFORE clause following paragraph 60 of the Complaint, and denies that Plaintiff is entitled to any relief.

COUNT V

EQUITABLE RELIEF

66. Defendant incorporates the responses made to paragraphs 1 through 60 of the Complaint as if fully set forth herein.

67. Defendant avers that the allegations set forth in paragraph 62 of the Complaint state a legal conclusion to which no response is required. Notwithstanding the foregoing, to the extent that paragraph 62 of the Complaint contains factual allegations, Defendant denies each and every allegation.

68. Defendant avers that the allegations set forth in paragraph 63 of the Complaint state a legal conclusion to which no response is required. Notwithstanding the foregoing, to the

extent that paragraph 63 of the Complaint contains factual allegations, Defendant denies each and every allegation.

69. Defendant avers that the allegations set forth in paragraph 64 of the Complaint state a legal conclusion to which no response is required. Notwithstanding the foregoing, to the extent that paragraph 64 of the Complaint contains factual allegations, Defendant denies each and every allegation.

70. Defendant avers that the allegations set forth in paragraph 65 of the Complaint state a legal conclusion to which no response is required. Notwithstanding the foregoing, to the extent that paragraph 65 of the Complaint contains factual allegations, Defendant denies each and every allegation.

71. Defendant denies each and every allegation in the WHEREFORE clause following paragraph 65 of the Complaint, and denies that Plaintiff is entitled to any relief.

AFFIRMATIVE & OTHER DEFENSES

Defendant asserts the following Affirmative and Other Defenses to the Complaint.

FIRST AFFIRMATIVE DEFENSE

1. The Complaint fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

2. The claims are barred, in whole or in part, by the equitable doctrine of unclean hands.

THIRD AFFIRMATIVE DEFENSE

3. The claims are barred, in whole or in part, because Plaintiff has failed to mitigate any alleged damages.

FOURTH AFFIRMATIVE DEFENSE

4. Plaintiff is not entitled to any of the relief sought in the Complaint.

FIFTH AFFIRMATIVE DEFENSE

5. Defendant had legitimate, nondiscriminatory reasons, for any adverse employment actions taken against Plaintiff.

SIXTH AFFIRMATIVE DEFENSE

6. Plaintiff cannot show that his employment ended under circumstances giving rise to an inference of discrimination.

SEVENTH AFFIRMATIVE DEFENSE

7. Plaintiff's claims are barred, in whole or in part, because Defendant exercised reasonable care to prevent and promptly correct any discriminatory behavior, and Plaintiff unreasonably failed to take advantage of the preventative and/or corrective opportunities provided by Defendant.

EIGHTH AFFIRMATIVE DEFENSE

8. Defendant presently has insufficient knowledge or information to form a belief as to whether it may have additional, yet unasserted, affirmative defenses. Defendant therefore expressly reserves the right to assert additional affirmative defenses in the event discovery or further proceedings indicate such additional defenses would be appropriate.

Dated: New York, New York
January 19, 2021

Respectfully submitted,

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

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